

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

As a named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 3 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

NUCLEIC ACID AND AMINO ACID SEQUENCES RELATING TO *M. CATARRHALIS* FOR

DIAGNOSTICS AND THERAPEUTICS

the specification of which (check one)

☐ is attached hereto.

☒ was filed on April 4, 2000 as United States Application

Number or PCT International Application No. 09/540,236

and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			Priority Not Claimed	Certified Copy Filed?	
				YES	NO
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

60/128,416
(Application Number)

April 9, 1999
(Filing Date)

(Application Number)

(Filing Date)

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information known by me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)
(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)
(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)

As a named inventor, I hereby appoint the attorneys and/or agents associated with
Hamilton, Brook, Smith & Reynolds, P.C., Two Militia Drive, Lexington, Massachusetts 02421-4799
Customer No. 21005,

and

Nina L. Pearlmutter, Reg. No. 35, 639; Robert Spadafora, Reg. No. 46,197; both of Genome Therapeutics Corporation, 100 Beaver Street, Waltham, Massachusetts, 02453-8443

to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please send correspondence to:

☒ Customer No. **21005**
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
Two Militia Drive
Lexington, MA 02421-4799

or

☐ Address as follows:

Direct telephone calls to: Doreen M. Hogle, Esq. Telephone No.: 781-861-6240
 Direct facsimiles to: Doreen M. Hogle, Esq. Facsimile No.: 781-861-9540

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole

or first inventor Gary L. Breton

Inventor's Signature *Gary L. Breton* Date 02/23/01

Residence 46 Hildreth Street 15 Atherton RD
Marlboro, Massachusetts 01752

Citizenship United States

Post Office Address Same

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Gary L. Breton

Application No.:

Filed: June 12, 2003

For: NUCLEIC ACID AND AMINO ACID SEQUENCES
RELATING TO M. CATARRHALIS FOR DIAGNOSTICS
AND THERAPEUTICS

Date: *June 24, 2003*
EXPRESS MAIL LABEL NO. EL 442001382 US

REVOCATION OF POWERS OF ATTORNEY AND APPOINTMENT OF
NEW ATTORNEYS AND/OR AGENTS

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

Genome Therapeutics Corporation, a Corporation duly organized under the laws of the Commonwealth of Massachusetts, is the assignee of the entire right, title and interest in the above-identified divisional application. Genome Therapeutics Corporation hereby appoints the attorneys and/or agents associated with

Nina L. Pearlmutter, Registration No.: 35,639
Robert L. Spadafora, Jr., Registration No.: 46,197
Genome Therapeutics Corporation
100 Beaver Street
Waltham, Massachusetts 02453

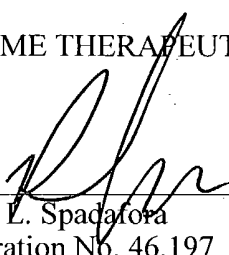
to prosecute the above-identified application and any divisions or continuations thereof and to conduct all business in the United States Patent and Trademark Office. All previously granted Powers of Attorney are hereby revoked.

Statement under 37 C.F.R. §3.73(b) is submitted herewith.

All correspondence should be sent to Robert L. Spadafora, Genome Therapeutics Corporation, 100 Beaver Street, Waltham, Massachusetts 02453. Please direct all telephone calls to Robert L. Spadafora, 781-398-2300 and all facsimile communication to 781-398-2530.

Respectfully submitted,

GENOME THERAPEUTICS CORPORATION

By 
Robert L. Spadafora
Registration No. 46,197
Telephone (781) 398-2300
Facsimile (781) 398-2530

Waltham, Massachusetts 02453

Dated:

6/21/03

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Genome Therapeutics Corporation

Application No./Patent No.: Divisional of 09/540,236

Entitled: Nucleic Acid and Amino Acid Sequences Relating to *M. catarrhalis* for

Diagnostics and Therapeutics

Genome Therapeutics Corporation, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- ☒ the assignee of the entire right, title, and interest; or
☐ an assignee of less than the entire right, title and interest
The extent (by, percentage) of its ownership is _____%

in the patent application/patent identified above by virtue of either:

A ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 012046, Frame 0810, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

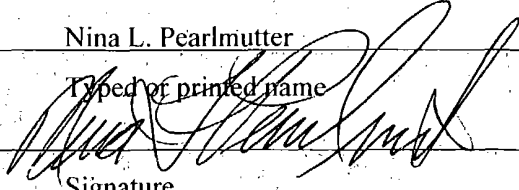
☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

6/24/03
Date

Nina L. Pearlmutter
Typed or printed name

Signature
Director of Intellectual Property
Title